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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 August 2001, at 10 a.m.

Chairperson: Mr. WEISSBRODT

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The meeting was called to order at 10.05 a.m.

DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT

(b) ADOPTION OF THE REPORT ON THE FIFTY-THIRD SESSION (agenda item 7)

1. The CHAIRPERSON said that, owing to the fact that the Sub-Commission's session was running behind schedule, the complete draft report would not be available for adoption prior to the end of the session. The Bureau therefore proposed that it be adopted ad referendum. A meeting to consider the portion of the draft report already published could be held either in the morning or in the afternoon of the following day, the last day of the session. There would obviously be a more substantial portion of the draft report available in the afternoon.

2. After a discussion in which Mr. ALFONSO MARTINEZ, Ms. HAMPSON, Mr. PREWARE, Mrs. DAES, Mrs. WARZAZI, Mr. OGURTSEV and Mr. PINHEIRO took part, the CHAIRPERSON said he took it that the members wished to meet in the afternoon of the following day to discuss the draft report.

3. It was so decided.

OTHER HUMAN RIGHTS ISSUES:

(a) WOMEN AND HUMAN RIGHTS

(b) CONTEMPORARY FORMS OF SLAVERY

(c) OTHER ISSUES

(agenda item 6) (continued) (E/CN.4/Sub.2/2001/L.2, L.32, L.33, L.36-42 and L.51)

Draft resolution on international protection for refugees and displaced persons (E/CN.4/Sub.2/2001/L.33)

4. Mr. PARK, introducing the draft resolution, said that the sponsors had agreed to delete the words "and displaced persons" from the title.

5. They had also accepted a proposal by Mr. Alfonso Martinez to reword the first part of paragraph 2 to read: "Expresses its concern over the fate of persons who have risked their lives fleeing from their homes to escape persecution and other factors such as starvation or destitution, motivated in part by unfair international economic relations,". The second half of the paragraph, beginning with the words "and reaffirms that", would remain unchanged.

6. Mr. ALFONSO MARTINEZ, thanking the sponsors for incorporating his amendment, suggested that, if the same topic was addressed at the next session, some recognition should be given to the countries that hosted refugees, sometimes at great expense, thereby conscientiously fulfilling their obligations under international law.

7. The draft resolution, as orally revised, was adopted.

Draft resolution on State cooperation with United Nations human rights mechanisms (E/CN.4/Sub.2/2001/L.37)

8. Ms. HAMPSON, introducing the draft resolution, said that the sponsors had agreed to insert the following new operative paragraph between paragraphs 3 and 4 in response to a suggestion by Mr. Kartashkin:

> "Expresses the hope that the Office of the High Commissioner will organize a seminar for those States which have not ratified both of the Covenants, at which the Chairpersons of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights or their nominees will be present, in order to identify and discuss the reasons for those States not, as yet, having become parties to the Covenant."

9. It had also been agreed to insert the phrase "and the proposals contained in Mr. Kartashkin's additional working paper (E/CN.4/Sub.2/2000/2)" after the word "mechanisms" in paragraph 5.

10. The purpose of the resolution was to ensure that a State which failed to cooperate with human rights treaty monitoring bodies or with thematic mechanisms that had sought to visit the State in question was placed on the agenda of the Commission on Human Rights under the item that addressed country situations. Where a State had ratified the two Covenants, its periodic reports alerted the relevant treaty bodies to serious human rights concerns. Where a State had not ratified the Covenants and had failed to accede to a request for a visit by one of the thematic mechanisms within a specific time limit, there was no way for the United Nations human rights machinery to confirm serious allegations made in reports by non-governmental organizations (NGOs).

11. Mr. ALFONSO MARTINEZ said that he would vote against the draft resolution because it repeated a mistake that the Sub-Commission had been making again and again for a number of years, namely, attempting to compel States to fulfil legal obligations that they had not assumed. He took issue in particular with the penultimate preambular paragraph and paragraph 6.

12. The CHAIRPERSON suggested that consideration of the draft resolution should be deferred pending further consultations.

13. It was so decided.

Draft resolution on reservations to human rights treaties (E/CN.4/Sub.2/2001/L.38)

14. Ms. HAMPSON, introducing the draft resolution, said that the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women (CEDAW) had requested the Sub-Commission to undertake a study on reservations to human rights treaties. The Sub-Commission had prepared a working paper three years previously and had asked the Commission on Human Rights to appoint a special rapporteur to undertake such a study. The Commission had refused the request.

15. In 2000, she had discussed the matter with Mr. Pellet, Special Rapporteur of the International Law Commission on reservations to treaties, and they had agreed that the two studies would not clash or overlap. The Commission on Human Rights had nonetheless turned down a second request to appoint a special rapporteur, notwithstanding its own principle that the Sub-Commission should accede to requests from treaty monitoring bodies. The draft resolution therefore proposed that an extended working paper, which did not require the Commission's consent, should be prepared.

16. Mr. ALFONSO MARTÍNEZ said that the Sub-Commission had been deluged with requests from other bodies to undertake studies of subjects in which they were interested. The draft resolution sought to place international human rights treaties in a different category from other international treaties. In his view, it was a topic that fell outside the mandate of the Sub-Commission and should be addressed only by the specialized legal organs of the United Nations.

17. Ms. HAMPSON said that she had stated in her working paper (E/CN.4/Sub.2/1999/28 and Corr.1) that only one regime was applicable to reservations to treaties and that there was no evidence of the existence of a separate regime for human rights treaties. The Vienna Convention on the Law of Treaties stipulated that a reservation that was incompatible with the object and purpose of the treaty was invalid. The question to be addressed by the Sub-Commission was how that provision should be applied in the context of reservations to human rights treaties.

18. Mr. KARTASHKIN proposed that the draft resolution, which had been sponsored by a majority of the members of the Sub-Commission, should be adopted forthwith.

19. Mr. GUISSE said that he had agreed to sponsor the draft resolution before the French translation had become available. Having studied the text in a language he understood, he wished to withdraw his sponsorship.

20. Ms. ZERROUGI said that she, too, wished to withdraw her sponsorship for the same reason.

21. A procedural discussion then ensued on the advisability of Sub-Commission members sponsoring documents in a language that they understood imperfectly in which Mr. PREWARE, Mr. JOINET, Mr. EIDE and Mr. GUISSE took part.

22. Mrs. WARZAZI said that she was ready to join the consensus if the words "and endorses the conclusions contained therein" were eliminated from the sixth preambular paragraph.

23. Ms. HAMPSON, speaking as the author of the draft resolution, said she could accept that amendment, if the other sponsors had no objections.

24. The draft resolution, as orally amended, was adopted.

25. Mr. ALFONSO MARTINEZ said he wished to place on record that, if there had been a vote, he would have abstained.

Draft resolution on the right of return of internally displaced persons and refugees (E/CN.4/Sub.2/2001/L.39)

26. Ms. HAMPSON, introducing the draft resolution, said that she had made four changes to the text in response to the concerns and suggestions of various members of the Sub-Commission. First of all, an additional preambular paragraph should be inserted after the fifth preambular paragraph, to read:

> "Confirming that nothing in this resolution shall be construed as affecting, directly or indirectly, any dispute regarding sovereignty over a territory or as limiting or derogating from any additional rights recognized and ensured under the laws of the relevant State."

27. Secondly, the word "this" in the second line of paragraph 2 should be replaced by the word "restitution", so as to address the fear that people would be able to "sell" their right of return; thirdly, the last part of paragraph 11, "on condition that ... impartial observer", should be revised to read: "but any such decision will only be valid and of legal effect if its voluntary character is confirmed by an independent and impartial observer".

28. Lastly, the draft decision on the return of refugees' or displaced persons' property (E/CN.4/Sub.2/2001/L.44) was to be incorporated into the current draft resolution (E/CN.4/Sub.2/2001/L.39). To that end, the following text should be inserted after paragraph 17:

> "Taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study (see E/CN.4/Sub.2/1997/31, annex), decides to entrust Mr. Paulo Sérgio Pinheiro with the preparation, without financial implications, of a working paper on the restitution of the property of refugees and internally displaced persons, to be submitted to the Sub-Commission in order to enable it to take a decision at its fifty-fourth session on the feasibility of a comprehensive study on that subject."

29. Millions of refugees and internally displaced persons existed throughout the world and one of their problems was that some States sought to resettle them and did not recognize their right to return to their homes. In some cases, they had the right in theory, but the implications of the right were neither recognized nor implemented; for example, when the State did not repair

damage caused to the infrastructure. They also needed security and stability, whilst waiting to be able to exercise the right to return, but they were unable to obtain that stability because they were unable to secure any rights to property. Their only asset was the property rights they had elsewhere, which they were unable to exercise.

30. It was crucial that any cession of property should be truly voluntary; it was not enough that an individual had signed a document, because there was always a risk of coercion. An independent and impartial observer must therefore confirm the voluntary character of the cession. The United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) were accustomed to performing that type of task.

31. The draft resolution clarified the rights of internally displaced persons and refugees and had been prepared in very close cooperation with UNHCR and the Commission on Human Rights. In addition, in order to deal with long-term issues, which the draft resolution did not address, it would be very useful to have the type of working paper that was entrusted to Mr. Pinheiro.

32. Mr. Sik Yuen had expressed concern that the proposal to give British citizenship to the Ilois would affect their right to return. It would not do so under the draft resolution at hand, because their right to return could not be affected by a grant of citizenship, even if the British authorities were able to require them to renounce their right to property, since that would be of no legal effect, unless it was of a truly voluntary character, as confirmed by an independent and impartial observer.

33. The CHAIRPERSON said that, since various members of the Sub-Commission wished to speak on the draft resolution, it would be preferable to postpone the discussion until later.

34. Mr. GUISSE asked for the oral revisions to be made available to him in French, so that he could participate in the discussion.

Draft resolution on terrorism and human rights (E/CN.4/Sub.2/2001/L.40)

35. Mrs. DAES, introducing the draft resolution, said that it was sponsored by all the members of the Sub-Commission. It requested the Special Rapporteur, Ms. Kalliopi Koufa, to continue her work, taking into account the views and comments made during the Sub-Commission's discussion of the topic and to submit a second progress report to the Sub-Commission at its fifty-fourth session.

36. Mr. KARTASHKIN said he wondered why so many important issues had been included under agenda item 6 "Other human rights issues", when each of them merited its own heading. He suggested that agenda item 6 be renamed Terrorism and Human Rights, which would enhance the draft resolution.

37. The draft resolution was adopted unanimously.

Draft decision on promotion and consolidation of democracy (E/CN.4/Sub.2/2001/L.41)

38. Mr. BENGOA, introducing the draft decision, said that it requested Mr. Manuel Rodriguez-Cuadros to prepare an expanded working paper for submission to the Sub-Commission at its fifty-fourth session.

39. The draft decision was adopted.

Draft decision on the humanitarian situation of the Iraqi population (E/CN.4/Sub.2/2001/L.42)

40. Mrs. WARZAZI said that the Sub-Commission had generally adopted the decision on the humanitarian situation of the Iraqi population by consensus. The only difference from the decision adopted the previous year were the allusions to several statements by the Secretary-General, the reference to the statement made by the person in charge of the "oil-for-food" programme, and the appeal to the World Health Organization (WHO) to devote special attention to the serious health problems affecting the civilian population.

41. Mr. BENGOA, Mrs. DAES, Mr. KARTASHKIN, Mr. GOONESEKERE and Mr. SORABJEE asked for their names to be added to the list of sponsors.

42. Mr. JOINET said that he had sponsored the draft resolution because he supported the cause of the population but not that of the regime.

43. Mr. YIMER reminded the Sub-Commission that sponsors of draft resolutions or draft decisions were not permitted to explain their views.

44. The draft decision was adopted.

Draft resolution on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (E/CN.4/Sub.2/2001/L.51)

45. Mr. GOONESEKERE, introducing the draft resolution, said that it was a formal resolution to ensure the continuation of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

46. Mrs. DAES asked that her name be added to the list of sponsors.

47. The draft resolution was adopted.

Draft resolution on systematic rape, sexual slavery and slavery-like practices (E/CN.4/Sub.2/2001/L.32)

48. The CHAIRPERSON said that the revised version of the draft resolution, including the proposed amendments that had been discussed the previous day, had been distributed to the members of the Sub-Commission.

49. Mr. YOKOTA said that the revised version reflected the results of the discussions. However, he had consulted the author of the draft resolution, Mr. Park, who was unable to be present, and the phrase added to paragraph 5 should read "educational curricula", rather than "educational curriculum".

50. The revised draft resolution was adopted.

Draft decision on human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering (E/CN.4/Sub.2/2001/L.2) and L.36)

51. The CHAIRPERSON said that Mr. van Hoof and Mr. Park had become sponsors of the draft decision.

52. Ms. HAMPSON, introducing her proposed amendments to the draft decision (E/CN.4/Sub.2/2001/L.36) said that weapons of mass destruction, at the time of their use, had effects that could not be controlled geographically. Consequently, an intrinsic feature of the use of weapons of mass destruction was the impossibility of distinguishing between military targets and civilians. Any use of weapons of mass destruction was thus necessarily unlawful, and the manufacture and possession of such weapons could be prohibited. Despite the need for rigorous enforcement regimes, some treaties did not provide for such mechanisms. Negotiations currently taking place in the context of the disarmament of biological and bacteriological weapons were designed to address that issue. Weapons of mass destruction were not only nuclear weapons; they could also be chemical, biological, bacteriological, and potentially even genetic, in character.

53. Depleted uranium, on the other hand, was an ingredient in conventional weapons, such as anti-tank missiles. Its effects, at the time of use, were not widespread, which meant that it could not be regarded as a weapon of mass destruction. There were, however, possible long-term effects connected with the use of depleted uranium, connected in particular with the release of heavy metals at the time of impact. There were rules applicable to the use of conventional weapons, including depleted uranium, which differed substantially from those governing the use of weapons of mass destruction.

54. A study that attempted to deal with depleted uranium as if it were a weapon of mass destruction would be misleading, and would ignore a range of other conventional weapons which gave rise to similar concerns, for instance tumbling bullets, exploding bullets, cluster weapons, incendiary weapons used against people, "non-lethal weapons" and unexploded ordnance. Human rights considerations should be taken into account during the system for approving new weapons, which could prevent problems in the future. Her proposal was for an entirely separate study concerning the use of conventional weapons, including depleted uranium.

55. The CHAIRPERSON invited the Sub-Commission to vote separately on parts A and B of the amendments proposed by Ms. Hampson (E/CN.4/Sub.2/2001/L.36), with the insertion of the word "transfer" after the words "production, storage".

56. Mr. YOKOTA, speaking on a point of order, said that he, too, would like to propose some amendments to the draft decision and reserved the right to do so at a later stage.

57. Mr. ALFONSO MARTINEZ said that Ms. Hampson's amendments consisted of three separate proposals: first of all, the insertion of the word "transfer" after the words "production, storage"; secondly, the deletion of the text following "weapons of mass destruction or with indiscriminate effect" and, thirdly, the insertion of a whole new paragraph taking the form of a separate draft decision. He proposed that a separate vote should be held on each of those three aspects. However, before proceeding to a vote, he would like to hear the amendments proposed by Mr. Yokota.

58. Ms. MOTOC requested some time for further consultations before a vote was held on the amendments proposed by Ms. Hampson and Mr. Yokota.

59. Mr. JOINET asked whether the phrase "weapons of mass destruction or with indiscriminate effect", in the draft decision meant nuclear weapons. If that were so, the dangers to the effective enjoyment of human rights were not just potential but very real. He asked to become a sponsor of the draft decision if it did indeed refer to nuclear weapons.

60. Mr. ALFONSO MARTINEZ said that nuclear weapons were certainly included in the definition of weapons of mass destruction or with indiscriminate effect, but that there were other types of weapon also which fell into that category.

61. Mrs. WARZAZI proposed that the words "real and" should be inserted into the text before the word "potential".

62. The CHAIRPERSON said he thought that a consensus had emerged to insert the word "transfer" after "production, storage" and the words "real and" before "potential".

63. It was so decided.

64. Mr. YOKOTA proposed that the word "testing" be inserted next to the word "transfer". He also suggested that "with particular emphasis on" should be replaced by the words "including in particular", before the words "the use of weaponry containing depleted uranium".

65. The CHAIRPERSON said he took it that the Sub-Commission wished to insert the word "testing" after the word "transfer".

66. It was so decided.

67. Mrs. WARZAZI said that "inter alia" would be a more suitable phrase than "including in particular".

68. Mr. PREWARE said that the word "including" was sufficient on its own without "in particular".

69. It was so agreed.

70. Mr. GUISSE, supported by Ms. HAMPSON, proposed that the word "trafficking" be inserted after the word "transfer".

71. It was so decided.

72. Mr. PREWARE asked why it was necessary to include the word "superfluous" before "injury".

73. Ms. HAMPSON said that "superfluous" was the technical term used in the law of armed conflict to identify unlawful weapons.

74. The CHAIRPERSON invited comments concerning the remaining two amendments proposed by Ms. Hampson.

75. Mr. JOINET, supporting the draft amendments, said that Ms. Hampson had convincingly argued that conventional weapons, including those containing depleted uranium, posed significantly different problems and therefore required an entirely separate study.

76. Mrs. WARZAZI, supported by Mr. PREWARE, said that the word "or" before the expression "of a nature to cause superfluous injury or unnecessary suffering", in the current text of the draft decision already dealt with the concerns expressed by Ms. Hampson. It allowed a distinction to be made between weapons of mass destruction and conventional weapons such as those containing depleted uranium.

77. Ms. HAMPSON said that the text as it stood was not adequate to cover the various principles of analysis concerning conventional weapons. There were many legal arguments that needed to be taken into account with regard to conventional weapons, besides the criteria of "superfluous injury and unnecessary suffering". Only by addressing those issues in a separate study could States be made fully aware of the need to consider human rights in connection with weapons such as depleted uranium.

78. Mr. YOKOTA, supported by Mr. ALFONSO MARTÍNEZ and Mr. KARTASHKIN, asked for a vote on the remaining amendments proposed by Ms. Hampson.

79. Mr. JOINET, speaking on a point of order, said that he had yet to receive a satisfactory answer to the question he had asked earlier. He was thus opposed to the request for a vote.

80. The CHAIRPERSON suggested that further consultations should be held before the opening of the next meeting, with a view to resolving the remaining issues.

81. Mr. ALFONSO MARTÍNEZ, speaking on a point of order, said he disagreed with the decision to suspend the subject and return to the same discussion in the afternoon meeting. If necessary, the current meeting could be prolonged until a decision was reached.

ORGANIZATION OF WORK (agenda item 1) (continued) (E/CN.4/Sub.2/2001/L.34 and L.43

82. Mr. KARTASHKIN, referring to the draft decision on the positive effect of work relatin to specific situations (E/CN.4/Sub.2/2001/L.34), said that, since it decided that an excerpt from Mr. Louis Joinet's intervention under agenda item 2 was to be brought to the attention of the Commission on Human Rights, it would be necessary to arrange for Mr. Joinet's statement to b reproduced as a document for submission to the Commission.

83. After a procedural discussion in which Mrs. WARZAZI, Mr. PREWARE and Mr. JOINET took part, the CHAIRPERSON said that the Sub-Commission would have ample opportunity to discuss the draft decision when it was formally introduced.

Draft decision on organization of work (E/CN.4/Sub.2/2001/L.43)

84. Mr. PINHEIRO said his proposal, on behalf of the Bureau, was simply to change the order of items on the agenda for the Sub-Commission's fifty-fourth session to 1, 2, 6, 5, 4, 3, 7, and to renumber them accordingly. It had also been proposed that agenda item 6 should be amended to read "Women and human rights and other issues", and should be renumbered as item 3.

85. Mrs. WARZAZI pointed out that, in French, the item should read "Femmes et droits de l'homme" and not "Droits de la femme".

86. Mr. ALFONSO MARTÍNEZ said that, despite its good intentions, the draft decision ga rise to a number of practical problems. He believed that, at its current session, the Sub-Commission did not have the authority to decide on an agenda or programme of work for the following session: it could only take note of proposals for such an agenda. It could not anticipate the decisions that would be taken in the future, particularly as there would be electio between the current session and that of 2002, which would mean that the composition of the Sub-Commission might change. He did not think the draft decision served any purpose.

87. Mr. EIDE said he noted that the draft provisional agenda for the fifty-fourth session wa to be adopted the following day under agenda item 7. He proposed therefore that consideration of the draft decision be deferred until then.

88. It was so decided.

Draft decision on measures to improve the functioning of the Sub-Commission on the Promotio and Protection of Human Rights (E/CN.4/Sub.2/2001/L.47)

89. Mr. PINHEIRO said that, in its decision 1999/256, the Economic and Social Council ha approved the recommendation of the Commission that the Council should include in its resume organizational session consideration of any proposals regarding special procedures mandates adopted at the annual session of the Commission. In accordance with the provisions of that resolution, the Commission had been able for the past three years to seek early action by the

Council, for instance on new special procedures mandates. Early action by the Council on draft proposals recommended by the Commission with respect to such mandates had ensured the prompt nominations of mandate holders by the Commission Chairperson.

90. The draft decision proposed a similar procedure, whereby the Commission would take early action with respect to draft proposals submitted to the Sub-Commission that would improve its functioning, such as early endorsement of draft proposals for studies; early endorsement of transmittal of notes verbales requesting information from Governments, NGOs, etc.; and early endorsement of any proposals for seminars and workshops which did not have financial implications.

91. Mr. JOINET said that, every year, the Commission asked the Sub-Commission to continue to improve its working methods. The draft decision under consideration was a revolutionary one of great importance. It would mean that the Secretariat would no longer have to wait until April of the following year to send out notes verbales, contact the Bureau, and organize the Sub-Commission's work, but would be able to begin its task in the autumn of the same year. He urged that it be adopted unanimously.

92. The draft decision was adopted unanimously.

93. Mrs. DAES said she would like to make a proposal which she considered essential for improving the functioning of the Sub-Commission. The Commission on Human Rights, and through it the Economic and Social Council, should be requested to restore the fourth week of the Sub-Commission's annual session. That proposal was justified by the latter's heavy agenda, the large number of its pending studies, reports and working papers, and above all the quality of its work as a serious think-tank for the Commission and other organizations of the United Nations system.

94. Mr. JOINET said that, while he endorsed that proposal, he could not support its inclusion in the decision just adopted, since such inclusion would be likely to jeopardize the latter's success. The Commission would be highly unlikely to agree to the addition of a fourth week in view of the fact that some of its members favoured doing away with the Sub-Commission altogether. The proposal should be made the subject of a separate draft decision.

95. Mr. PINHEIRO said he fully supported that proposal. The Commission's decision to shorten the Sub-Commission's session by a week had sent the wrong signal to the human rights community. However, it would be necessary to find a wording explaining the need for such an extension.

96. Ms. HAMPSON said that it would be helpful if the NGOs could make their views on the issue known directly to the Commission.

97. The CHAIRPERSON said he took it that it was the wish of the Sub-Commission to adopt the proposal by Mrs. Daes unanimously and request the Bureau to draft a suitable text.

98. It was so decided.

Draft decision concerning the composition of working groups of the Sub-Commission for 2002

99. The draft decision was adopted.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 4) (continued)
(E/CN.4/Sub.2/2001/L.17, L.24 and L.44)

Draft resolution on intellectual property and human rights (E/CN.4/Sub.2/2001/L.17)

100. Mr. OLOKA-ONYANGO said that, following consultations, he had three changes to make to the draft resolution. A further preambular paragraph should be added after the paragraph beginning "Noting with appreciation", to read: "Recalling the decision of the Commission on Human Rights in resolution 2001/30 of 20 April 2001 (E/CN.4/Res/2001/30) to request the High Commissioner for Human Rights to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share her expertise, inter alia, through the holding of expert meetings".

101. A new operative paragraph should be added after paragraph 9, to read "Requests the United Nations High Commissioner for Human Rights to consider the need for an examination and, if necessary, to conduct such an investigation, into whether the patent, as a legal instrument, is compatible with the promotion and protection of human rights and corresponding State obligations".

102. In paragraph 12, the words "... the Commission on Human Rights to request" in the first line should be deleted.

103. Mrs. DAES said she would like to become a sponsor of the draft resolution.

104. The draft resolution, as orally revised, was adopted.

Draft resolution on study on non-discrimination as enshrined in article 2.2 of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/Sub.2/2001/L.24)

105. The CHAIRPERSON suggested that, to allow time for further consultations, consideration of that draft resolution should be deferred until the next meeting.

106. It was so decided.

Draft decision on the return of refugees' or displaced persons' property
(E/CN.4/Sub.2/2001/L.44)

107. The CHAIRPERSON said that the draft decision in question had been subsumed into the draft resolution on the right to return of internally displaced persons and refugees (E/CN.4/Sub.2/2001/L.39), which was to be discussed at the next meeting.

The meeting rose at 1.05 p.m.